

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

LOGAN CHENG,

Plaintiff,

-v.-

WENGUI GUO,

Defendant.

20 Civ. 5678 (KPF)

ORDER

KATHERINE POLK FAILLA, District Judge:

The Court is in receipt of Plaintiff's April 28, 2021 letter regarding Defendant's purported failure to establish, or waiver of, the attorney-client privilege in connection with his responses given at his April 1, 2021 deposition (Dkt. #54), as well as Defendant's May 7, 2021 responsive submissions (Dkt. #55). Having closely reviewed the parties' submissions, the Court agrees that Defendant has established that he had an attorney-client relationship with Mr. Daniel Podhaskie, who served as in-house counsel to Golden Spring during the relevant time period.

The Court notes that Defendant's letter incorrectly represents that he invoked the attorney-client privilege only once during his deposition (*see, e.g.*, Dkt. #54-1 at 163:18-20), but the Court has nonetheless determined that Defendant's assertions of attorney-client privilege — whether express or implicit — were in fact appropriate. Relatedly, the Court disagrees with Plaintiff that Defendant's testimony regarding certain documents received by mail served to waive his attorney-client privilege. For these reasons, the Court

declines to reopen Defendant's deposition at this time so that these questions can be asked again.

However, the Court takes no position as to the appropriateness of either third-party discovery involving Golden Spring, or amendment of the pleadings to add Golden Spring as a defendant in this case. In light of the issues raised in the parties' submissions and discussed in this Order, the Court hereby ORDERS the parties to appear for a telephonic conference to discuss next steps in this case on May 27, 2021, at 3:30 p.m. The dial-in information is as follows: At 3:30 p.m. the parties shall call (888) 363-4749 and enter access code 5123533. Please note, the conference will not be available prior to 3:30 p.m.

SO ORDERED.

Dated: May 11, 2021
New York, New York



KATHERINE POLK FAILLA
United States District Judge